

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOSEPH SCOTT GRAY,

Plaintiff,

v.

WENDY J. ROAL and ROBERT ROLOFF,

Defendants.

Case No. 3:12-cv-985-GPM-DGW

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court are the Motion for Order of Payment filed by Plaintiff, Joseph Gray, on February 24, 2013 (Doc. 34), the Request for Subpoenas filed by Plaintiff on March 18, 2013 (Doc. 37), and the Motion for Extension of Time filed by Plaintiff on March 28, 2013 (Doc. 38). For the reasons set forth below, the Motions are **DENIED**.

In the Motion for Order of Payment, Plaintiff appears to be complaining that the funds in his inmate trust fund account are being withheld for the purpose of preventing him from serving Defendant Roal prior to her retirement. Issues related to Plaintiff's trust fund account are unrelated to the claims made in this case. Plaintiff in this matter is proceeding *in forma pauperis*, and service of Defendants was made irrespective of Plaintiff's ability to pay. In any event, Defendant Roal has been served in this matter and has filed an Answer to the Complaint.

With respect to the Motion for Subpoenas, Defendants in this matter have asserted that Plaintiff has failed to exhaust his administrative remedies. In light of such affirmative defenses, no discovery on the merits of this matter will take place until the issue of exhaustion has been resolved. *See Pavey v. Conley*, 544 F.3d 739 (7th Cir. 2008).

As to the final motion, the Motion for Extension of Time, Plaintiff seeks an extension of

time to file a reply to the Answers filed in this matter. Federal Rule of Civil 7(a) provides for a “reply to an answer” only upon order of the Court. In this matter, no replies to the Answer are necessary.

For the foregoing reasons, the Motion for Order of Payment filed by Plaintiff, Joseph Gray, on February 24, 2013 (Doc. 34) is **DENIED**, the Request for Subpoenas filed by Plaintiff on March 18, 2013 (Doc. 37) is **DENIED**, and the Motion for Extension of Time filed by Plaintiff on March 28, 2013 (Doc. 38) is **DENIED**.

DATED: May 10, 2013

DONALD G. WILKERSON
United States Magistrate Judge